IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 1821 of 1997

Between:

Chitra Varadaiah, son of Varadappa,36 yrs

Cleaner in APSRTC,Dharmavaram depot,

Anantapur dist.

... PETITIONER

AND

1.Andhra Pradesh State RoadTransport Corporation,

rep. By its Managing Director,Musheerabad,Hyderabad.

2.Regional Manager,APSRTC, Anantapur.

3.Depot Manager,APSRTC,Dharmavaram depot, Dharmavaram,Anantapur dt.

4.Ananda Reddy, D.C.Electrician,Staff No.405953 APSRTC,Hindupur depot, Hindupur Anantapur dt.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of writ of

Mandamus directing the Respondents 1 to 3 to follow the principle of Seniority in the matter of promotion from the post of cleaner to the higher post i.e., D.C.Electrician etc., without taking into consideration of the passing of the Trade Test as the basis for the Apprentice candidates trained under the Act and consequently direct the respondents to promote the petitioner on par with the fourth respondent with effect from. 1-10-1994 .

Counsel for the Petitioner: MR.P.SRINIVASULU

Counsel for the Respondent Nos.1 to 3: MR.P.VINAYAKA SWAMY,S.C. for APSRTC.

Counsel for the Respondent No.4: None appeared.

The Court made the following :

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ORDER

1. This Writ Petition is filed by the petitioner aggrieved by the action of the official respondents in promoting the fourth respondent to the post of D.C. Electrician.

2. According to the petitioner, he was appointed as Cleaner on 12-04-1990 and also passed Trade Test that was conducted on 26-10-1994, and therefore, he was eligible for promotion to the post of D.C. Electrician. However, he was not promoted, but, his junior, like fourth respondent was promoted. Therefore, the petitioner has come up with this Writ Petition.

3. A Counter has been filed by the official respondents denying the allegations made by the petitioner. It is stated that though the fourth respondent was junior, as cleaner to the petitioner, but, in the Trade Test that was conducted in the year 1993, the fourth respondent was successful, while the petitioner failed to pass the said Test. But, however, the Trade Test was conducted again in the year 1994 in which the petitioner was successful. But even before the said Trade Test was conducted in the year 1994,as there was vacancy of D.C. Electrician, the candidates, who have qualified by passing the Trade Test in 1993, are considered and in that process the fourth respondent was promoted to the post of D.C. Electrician. Therefore, according to the official respondents, there is no merit in the case of the petitioner warranting interference of this Court.

4. Heard the learned counsel for both sides and considered the material on record.

5. The sole grievance of the petitioner is that though he acquired the qualification by passing the Trade Test in the year 1994, he was not promoted, while the fourth respondent who is a junior to the petitioner was promoted. In the counter it is stated that the Trade Test was conducted in the year 1993 in which the petitioner did not qualify, while the fourth respondent passed the same. Therefore, while filling up the vacancies of D.C. Electrician, the fourth respondent was promoted even before the petitioner qualified for promotion.

6. In the light of the above facts stated, the petitioner is not entitled to seek any relief on par with the fourth respondent. However, as the petitioner has already qualified by passing the Trade Test, for promotion to the post of D.C. Electrician, the official respondents are directed to consider the case of the petitioner, if there are vacancies and those vacancies are proposed to fill up, on par with the other similarly placed

persons in accordance with the seniority.

7. The Writ Petition is accordingly disposed of. No costs.

29-07-2004.

Hsd/Kvh

Asst.Registrar

//true copy//

Section officer

To

2 C.D.copies

To

1.The Managing Director, Andhra Pradesh State Road Transport Corporation,Musheerabad,Hyderabad.

2.Regional Manager,APSRTC, Anantapur.

3.Depot Manager,APSRTC,Dharmavaram depot, Dharmavaram,Anantapur dt.

4.2 C.D. copies